

REMARKS

By the present amendment, claim 1 has been cancelled without prejudice or disclaimer. Claims 2-11 have been amended to clarify the invention. Claims 12-22 have been added.

Claims 2-22 are pending in the application.

In the Office Action, the Examiner objected to claim 6 for informalities. Claim 6 has been amended to correct the informalities.

Claim 1 was rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Number 6,048,117 to Banton.

Claims 2-11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Banton in view of U.S. Patent Number 6,297,873 to Furuya.

In view of the arguments that follow, Applicants respectfully traverse the Examiner's rejection of claims 2-11.

Summary of the Embodiments

Applicants disclose an image outputting apparatus in a kiosk that is located in a public location. The image outputting apparatus allows a consumer to scan an image, a hand-written document, or negative; or input an image by using a floppy disk or memory card. The image outputting apparatus is also connectable to a modem for receiving and transmitting data from an external device, and receiving data to control the printing

device to print quality images. If a user inputs characters of a handwritten document and an image, the user selects, on a touch panel on the kiosk, a synthesizing template that allows characters of the handwritten document to be decoded and expanded to strings and merged with the inputted image. After the image and/or characters of the handwritten document are ready to be printed, the image outputting apparatus corrects a printing temperature of thermal heads for printing in order to correct print color and produce a quality image to be printed. Printing characteristics of printing paper, temperature and humidity values during the printing, and a history of temperature and humidity values are transmitted to a network server, The network server sends color correcting information to the image outputting apparatus based on printing characteristics of printing paper, temperature and humidity values, and the history of temperature and humidity values in order to control the printing device by correcting the printing color and temperature of the thermal heads for a quality printed image. A payment device is provided on the kiosk in order to allow the consumer to pay for the quality image to be printed.

Rejection Under 35 U.S.C. 103(a)

The Examiner rejected claim 2 under 35 U.S.C. 103(e) as being anticipated by Banton in view of Furuya. The rejection is respectfully traversed.

Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, three basic

criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine the reference teachings. Second, the proposed modification of the prior art must have had a reasonable expectation of succeeding, as determined from the vantage point of a skill artisan at the time the invention was made. Third, the prior art references, when combined, must teach or suggest all the claim limitations. See M.P.E. P. §2143.

The Examiner relies on the teachings of Banton that discloses a printing device that generates a calibration test by printing color patches and coded identification data and transmits the printed calibration test through a network to a calibration server. The calibration server compares the color patches and coded data to an optimal color pattern and generates a color correction table. The calibration server transmits the color correction table to the printing device, which provides automatic calibration. Furuya discloses an image recording apparatus that calibrates a laser printer by correcting an exposure rate and color gradation based on input/output characteristics computed from environmental information obtained by a temperature sensor, humidity obtained by a hydroscope, photographic paper type, photographic printing paper characteristic information stored in a photographic printing paper characteristic memory and previous calibration history information stored in a calibration history memory. The combination of the reference teachings, however, fail to provide an artisan of ordinary skill with a suggestion or motivation that the combination of references suggest or teach

that “a correcting device” corrects “printing color, based on printing color correcting information of printing paper characteristics” and “measured temperature” received by “a network server.”

Furthermore, a person of ordinary skill in the art at the time of making the invention must also have had a reasonable expectation that the combination of Banton and Furuya would have achieved success in teaching or suggesting that “a correcting device” corrects “printing color, based on printing color correcting information of printing paper characteristics” and “measured temperature” received by “a network server.” Moreover, there is no reasonable expectation provided that Banton and Furuya, when combined, successfully teach or suggest that “a correcting device” corrects “printing color, based on printing color correcting information of printing paper characteristics” and “measured temperature” received by “a network server.”

In view of the above reasons, Applicants respectfully submit that the asserted combination of Banton and Furuya fail to establish a *prima facie* case of obviousness of independent claim 2, or any claim depending therefrom. Applicants further submit that the Examiner’s conclusion in claim 2 is based on improper hindsight reasoning. See M.P.E.P. §2142. The Examiner may not utilize the Applicants’ own disclosure as motivation for altering a reference that lack sufficient disclosure to teach the Applicants’ claimed invention.

In view of the foregoing reasons, Applicants respectfully submit that claim 2 is not taught or suggested by Banton in view of Furuya, and the rejection of claim 2 should be

withdrawn. Dependent claims 3, 4 and 5 are allowable for at least the same reasons of respective base claim 2.

Applicants respectfully submit that Applicants respectfully submit that the asserted combination of Banton and Furuya fail to establish a *prima facie* case of obviousness of independent claim 6, or any claim depending therefrom. Moreover, the asserted combination of the references is based on improper hindsight reasoning, and the Examiner may not utilize the Applicants' own disclosure as motivation for altering a reference that lack sufficient disclosure to teach the Applicants' claimed invention.

The combination of the reference teachings fail to provide an artisan of ordinary skill with a suggestion or motivation that the combination suggest or teach that "a correcting device which corrects printing color, based on printing color correcting information of printing paper characteristics" and "measured humidity" received by "a network server." Furthermore, a person of ordinary skill in the art at the time of making the invention must also have had a reasonable expectation that the combination of Banton and Furuya would have achieved success in teaching or suggesting that "a correcting device which corrects printing color, based on printing color correcting information of printing paper characteristics" and "measured humidity" received by "a network server." Moreover, there is no reasonable expectation provided that Banton and Furuya, when combined, successfully teach or suggest that "a correcting device which corrects printing color, based on printing color correcting information of printing paper characteristics" and "measured humidity" received by "a network server."

In view of the foregoing reasons, Applicants claim 6 is allowable. Dependent claims 7, 8 and 9 are allowable for at least the same reasons of respective base claim 6.

Applicants also respectfully submit that Applicants respectfully submit that the asserted combination of Banton and Furuya fail to establish a *prima facie* case of obviousness of independent claim 10, or any claim depending therefrom. Again, the asserted combination of the references is based on improper hindsight reasoning, and the Examiner may not utilize the Applicants' own disclosure as motivation for altering a reference that lack sufficient disclosure to teach the Applicants' claimed invention.

The combination of the reference teachings fail to provide an artisan of ordinary skill with a suggestion or motivation that the combination suggest or teach that "a correcting device which corrects printing color, based on printing color correcting information of the read printing characteristics information of the printing paper" received by "a network server." Furthermore, a person of ordinary skill in the art at the time of making the invention must also have had a reasonable expectation that the combination of Banton and Furuya would have achieved success in teaching or suggesting that "a correcting device which corrects printing color, based on printing color correcting information of the read printing characteristics information of the printing paper" received by "a network server." Moreover, there is no reasonable expectation provided that Banton and Furuya, when combined, successfully teach or suggest that "a correcting device which corrects printing color, based on printing color correcting

information of the read printing characteristics information of the printing paper”
received by “a network server.”

In view of the foregoing reasons, Applicants claim 10 is allowable. Dependent claim 11 is allowable for at least the same reasons of respective base claim 10.

Conclusion

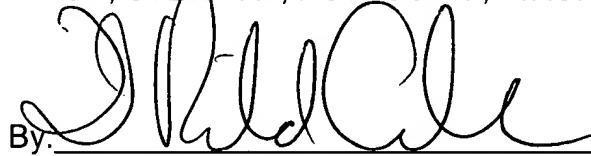
All objections and rejections raised in the Office Action having been addressed. Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Demetra R. Smith-Stewart (Reg. No. 47,354), to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH &, BIRCH, LLP

By: 

D. Richard Anderson
Reg. No. 40,439


DRA/DSS/kmr
0879-0285P

P.O. Box 747
Falls Church, VA 22040-0747
703-205-8000

Attachment: Annotated Sheet – Figure 2
Replacement Sheet – Figure 2